

WOMEN'S HUMAN RIGHTS, GENDER AND CLIMATE CHANGE - DRAFT (not to be quoted)

Prepared by the International Alliance of Women and co-sponsored by the International Council of Women (ICW-CIF) (add others here)

Convention on the Elimination of All Forms of Discrimination against Women (select articles from CEDAW)

Entry into force September 3, 1981. Ratified by 186 countries (2009)

ELIMINATE ALL FORMS OF DISCRIMINATION AGAINST WOMEN (note: headings added by authors of this brief)	COMMENT
<p><i>Article 2. States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:</i></p> <p><i>(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;</i></p> <p><i>(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;</i></p> <p><i>(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;</i></p>	<p>Ratified by 186 countries (2009), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is often described as an international bill of rights for women.ⁱ States Parties to CEDAW agree to ensure that women can enjoy all their human rights and fundamental freedoms. Governments are legally obligated to align national laws with its provisions.ⁱⁱ The Convention protects women from discrimination and all forms of political, social, cultural, economic inequality based on gender. It is the only human rights treaty which affirms the reproductive rights of women.</p> <p>Gender equality is essential to the successful implementation, monitoring and evaluation of climate change policies. Therefore, CEDAW should be included as an overarching guiding principle (e.g. “Shared Vision” or Guiding Principles) in the draft climate change protocol to be negotiated at COP 15. As such it can be applied to all articles. CEDAW can help shape consensus on how women’s human rights affects the legal interpretation of treaty articles and it provides a moral compass for their practical application. This can be important should unforeseen conditions arise (e.g. acceleration of global warming beyond current predictions) and new measures are imposed by governments.</p> <p>Women’s invisibility in national statistics constitutes a violation of CEDAW provisions as lack of information affects a government’s ability to prevent discrimination. Examples are found in sectors such as forestry, energy, transport, construction and infrastructure which typically do not collect gender-disaggregated data. Yet preliminary researches indicate that when gender-blind policies in these sectors persist, women’s contributions are undervalued and technology innovations fail to reach women. Financial mechanisms associated with climate change such as the Clean Development Mechanism and REDD should be monitored and gender mainstreamed into their policies.ⁱⁱⁱ This would comply with Article 2 of CEDAW that obliges States Parties to embody the principle of the equality of men and women to ensure that public authorities and institutions, organizations or enterprises take actions to remedy discrimination against women.</p> <p>The treaty further addresses root causes. As discrimination is embedded in wider social inequalities, States Parties must take necessary steps to combat prejudices and customary practices based on stereotyped roles.^{iv} One stereotype that is typically projected among scientists is that rural and indigenous women do not offer scientific knowledge even though, in many communities, they are the caretakers of biodiversity and experts in medicinal plants.^v Other traditional knowledge can include management of forests, water conservation, food storage and dwelling construction.</p>

<p style="text-align: center;">ENSURE WOMEN'S EQUAL PARTICIPATION IN POLITICAL AND PUBLIC LIFE</p>	
<p><i>Article 7. States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:</i></p> <p><i>(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;</i></p> <p><i>(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.</i></p> <p><i>Article 8. States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.</i></p>	<p>States Parties must ensure women equal decision-making power at all levels including in international processes such as the climate change treaty negotiations (Article 7). However, less than a third of heads of delegation to the Conference of the Parties 14 at Poznan (2009) were women. There is reason to be concerned as women are poorly represented on bodies that will implement the treaty at national and local levels-- notably technical advisory bodies, parliaments/congresses, business councils and courts.</p> <p>One hopeful sign is that several of the National Adaptation Programmes for Action (NAPA) have made reference to gender.^{vi} In these plans it is important to emphasize women's right to equal decision-making in public life, including the design of NAPAs. Policy-makers have yet to tap the potential of international women's movements. Yet the "women's vote" and NGOs such as women's consumer advocacy groups can alter the political balance in favor of robust climate change programmes. The "win win" scenario is to create synergy between women's empowerment, mitigation and adaptation policies.</p>
<p style="text-align: center;">RURAL WOMEN</p>	
<p><i>Article 14. 1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas.</i></p> <p><i>2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:</i></p> <p><i>(a) To participate in the elaboration and implementation of development planning at all levels;</i></p> <p><i>(b) To have access to adequate health care facilities, including information, counseling and services in family planning;</i></p> <p><i>(c) To benefit directly from social security programmes;</i></p>	<p>Article 14 of CEDAW further strengthens provisions for rural women (including pastoralists, nomads, hunters and gatherers) in diverse occupations (e.g. fishing, wage labor, and swidden agriculture) and recognizes their rights to participate in government programmes. This is critical in rural communities experiencing food insecurity and environmental devastation. Of particular concern is the feminization of agriculture and rise in numbers of female heads of households due to out migration of men seeking wage jobs in cities. In many communities, women must add work in fields and animal husbandry to existing responsibilities in cooking, gathering wood and water. Older women who traditionally retired from productive work must increasingly reenter the work force.</p> <p>CEDAW notes that rural women should be empowered to better manage the environment through equal access to productive resources. Participation in self-help groups and cooperatives are important avenues to mobilize collective resources. Article 14 guarantees rural women equal access to agricultural credit and loans and appropriate technology. One strategic use of credit would be to use clean energy burning stoves.^{vii} However, this must happen rapidly on a massive scale because Black Carbon produced by biofuel stoves is a main contributor to global warming.^{viii} Millions of rural women and children also suffer from air pollution caused by traditional stoves. If poor women are to change cooking technologies, they must be given better access to financing options such as micro-credit, rent and collective schemes.</p>

<p><i>(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;</i></p> <p><i>(e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;</i></p> <p><i>(f) To participate in all community activities;</i></p> <p><i>(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;</i></p> <p><i>(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.</i></p>	<p>As the report of the Intergovernmental Panel on Climate Change noted, climate change has differential impacts on societies across social and economic lines. Particularly at risk are rural and indigenous women who live in densely populated coastal and low-lying areas, drylands and high mountainous areas and small islands. Improving the ability of women to cope with ecological stresses strengthens the entire family's adaptive resilience.</p> <p>Safety nets and insurance for social protection are considered essential to national adaptation plans as part of poverty reduction strategies.^{ix} However, rural and indigenous women rarely have access to adequate health care facilities and social security.^x And while CEDAW recognizes that rural women have the right to adequate standards of living, housing and communications these are seldom considered in climate change discussions.</p>
<p>ECONOMIC AND SOCIAL LIFE - EMPLOYMENT</p>	
<p>Article 11. 1. <i>States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:</i></p> <p><i>(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;</i></p> <p><i>(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;</i></p> <p>Article 13. <i>States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:</i></p> <p><i>(b) The right to bank loans, mortgages and other forms of financial credit;</i></p>	<p>The crisis in climate change potentially opens new financing, business and employment opportunities for women living in cities as well as countryside. The treaty will set new directions for carbon trading markets and businesses for green technologies. In developing countries, renewable energy technologies promise to create more income-generating projects such as making lamps and repairing devices using solar voltaic cells.</p> <p>Diversification of income sources can help cushion the negative impact of climate change on agricultural livelihoods. The question is: Will women benefit equally from these entrepreneurial opportunities? Articles 11, 13 and 15 in CEDAW hold States Parties responsible to guarantee that women will have equal economic and employment rights. Governments should also promote child-care facilities to enable parents to combine family obligations with work responsibilities.</p> <p>Article 15 accords women the same legal capacity as men, to conclude contracts, administer property and mortgages, and all other areas of economic life. Women employed in sectors that are traditionally male-biased must be accorded equal remuneration, including benefits and granted equal treatment in the value of their work. They also need to be better represented in management and social audits of wage employment schemes.</p>

<p>Article 15. 1. <i>States Parties shall accord to women equality with men before the law.</i></p> <p><i>2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.</i></p>	
<p>HEALTH / FAMILY PLANNING</p>	
<p>Article 12.1. <i>States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.</i></p>	<p>In CEDAW, women’s rights to health are found in Articles 12 and the General Recommendation 24. These recognize the importance of gender equality to the quality of family life and the need for governments to improve health statistics as well as allocate adequate resources for women’s health care throughout their life cycle. The CEDAW committee has noted that women’s health status and ability to access health services, including family planning, are intricately linked to gender-specific roles. These often increase risks for women.</p> <p>Some researches show that women are disproportionately affected by natural disasters such as drought, floods, and heat waves. According to the WHO, adverse reproductive outcomes follow disasters, including early pregnancy loss, premature delivery, stillbirths, delivery-related complications and infertility.^{xi} One study on a 1991 cyclone in Bangladesh noted that many women perished with their children at home as they had to wait for their husband to return and make an evacuation decision.^{xii} This pattern has been repeated in that countries’ numerous prolonged floods.</p> <p>Climate change will further burden poor women through increases in malnutrition, floods, storms and fires, increased diarrheal diseases and changes in the distribution of some infectious diseases vectors.^{xiii} The whole family suffers if women, themselves, die or cannot carry out care giving roles.</p>
<p>EDUCATION/INFORMATION</p>	
<p>Article 10. <i>States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:</i></p> <p><i>(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in preschool, general, technical, professional and higher technical education, as well as in all types of vocational training;</i></p>	<p>Women’s access, use and control over science and technology, formal and informal education and training are vital to a community’s capability to mitigate and adapt to climate change. Gender equality in education is guaranteed by Article 10. CEDAW identifies the need for women’s equal access to technical and professional education, remuneration, and support social services to combine family responsibilities with other activities.</p> <p>Article 10 also reiterates that educational information to help improve the health and well-being of families, including information and advice on family planning is a woman’s right.</p>

<p><i>(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;</i></p> <p><i>(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.</i></p>	
CONCLUSION	<p>In conclusion, CEDAW is a strong pillar on which to build global consensus for gender equality in the climate change treaty. The Bali Action Plan that emerged from the 13th Conference of Parties to UNFCCC reaffirms that economic and social development and poverty eradication are global priorities, and that a shared vision needs to take into account “social and economic conditions and other relevant factors.”^{xiv} It further states that gender equality— including equal participation of women and men should be included in UNFCCC agreements in alignment with various international agreements including but not limited to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Beijing Platform for Action, and ECOSOC Resolution 2005/31.</p>

ⁱ The United States, one of the world’s largest emitters of green house gases, has signed (July 17 1980) but not ratified CEDAW. Nevertheless, some cities like San Francisco have adopted it.

ⁱⁱ This differentiates CEDAW and other treaties (e.g. biodiversity and desertification) from policy documents like the Beijing Platform for Action. The latter carries the weight of global consensus and can help influence “soft” laws but is not legally binding.

ⁱⁱⁱ See Final Report of the Gender and Climate Change Finance Workshop, November 2008, UNDP, New York.

^{iv} This is particularly important to some rural and indigenous women whose lives are governed by traditional or religious laws rather than state or national ones.

^v For overview of issues see Women and the Environment, UNEP Policy series, Nairobi, Kenya, 2004 and “Gender and Indigenous Peoples’ Environment briefing note, SPFII, New York 2007. Field-based studies on indigenous women in India are analyzed in “Adivasi Women, Engaging with Climate Change,” Govind Kelkar, IFAD, The Christensen Fund and Unifem South Asia Office, New Delhi, 2009.

^{vi} NAPAs will form the basis for climate change funding in developing countries.

^{vii} The Chinese NISP programme, for example, disseminated 180 million improved biomass stoves. Similar efforts have been made in Sri Lanka, Cambodia, Nepal and India. See Conrado S. Heruela and Anoja Wickramasinghe, “Energy Option for Cooking and Other Domestic Energy Needs of the Poor and Women in the Era of High Fossil Fuel Prices” presented at the Energia- UNESCAP Asia Regional Policy Consultation on “networking towards Gender and Poverty Sensitive Energy Policies”, October 20-24, Bangkok 2008.

^{viii} Globally, an estimated 570 million households rely on traditional biomass for cooking, representing one-third of the global population. Cited in ESCWA Center for Women newsletter, Volume I, Issue 2, December 2006. Around 80 percent of the expenditure on energy services by poor people is on fuel for cooking. See Heruela and Wickramasinghe *ibid*.

^{ix} Technical Summary, report by Working Group II of the Intergovernmental Panel on Climate Change, 2007, Cambridge U. Press, Cambridge, UK 2007 p. 69.

^x See Human Development Report 2007/2008: Fighting climate change: Human solidarity in a divided world, UNDP, New York 2007.

^{xi} “Gender and health in disasters” Gender and Health, WHO, Geneva July 2002.

^{xii} As reported in “Is there a connection between gender and climate change?” Lorena Aguilar, presentation at the Third Global Congress of Women in Politics and Governance, CAPWIP, Manila 2009

^{xiii} Expected health effects of climate change as reported in the Summary for Policymakers, report of Working Group II to the Fourth Assessment Report of Intergovernmental Panel on Climate Change, Cambridge U. Press, Cambridge, UK, 2007.

^{xiv} [Decision 1/CP.13, preamble and 1(a)].